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09/692,995	10/20/2000	Dean F. Jerding	A-6687	8091
5642	7590	05/03/2005	EXAMINER	
SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044			BELIVEAU, SCOTT E	
		ART UNIT		PAPER NUMBER
		2614		

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/692,995	JERDING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 77,78,80,82-87,89-101 and 110-121 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 77,78,80,82-87,89-101 and 110-121 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Priority***

1. With respect to the applicants claim for priority to US Pat. Application No. 09/590,488, the subject matter that is common between the two application appears to be related to the overall system architecture and ordering process as illustrated in Figures 1-6. Figure 19C of the earlier '488 application, appears to correspond to Figure 7 of the instant application. However, the earlier filed application does not appear to disclose or illustrate the particular usage of the "bookmark" process as claimed. Accordingly, the claimed subject matter shall not receive the priority of an earlier filling with respect to the '488 application.

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

As set forth in the previous Action, provisional application 60/170,302, the provisional application generally introduces the concept of a bookmark in conjunction with the "current rental screen" (Page 13). Accordingly, the provisional application does not appear to perform bookmarking without interrupting the visual presentation as claimed. Accordingly, for the purposes of evaluation of prior art with respect to applicant's claim to priority to

provisional application 60/170,302, the application filing date shall be the filing date of the instant application or 20 October 2000 with respect to claims 77, 78, 80, 82-87, and 89-101, 110-121.

***Response to Arguments***

3. Applicant's arguments filed 24 January 2004 have been fully considered but they are not persuasive.

Applicant's arguments appear to be directed focused towards the combined references failing to particularly disclose the limitation of "allowing a user to assign a character sequence to a visual scene of a video presentation while the video presentation is presented to the user and storing the character sequence in memory of the STT", the examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Consistent with the Final Rejection of 26 April 2004, the White et al. reference discloses the usage of a WebTV® terminal or STT with "memory" which is capable of facilitating both personal computer functionality associated with web services (ex. browsing web pages, send/receive email, etc.) and traditional STT functions. The reference, however, does not explicitly teach the particular claimed bookmarking embodiment. The Milewski et al. reference discloses a particular teaching for bookmarking limitation for use in conjunction with a "STT" or television receiver combined with a personal computer that facilitates access

to web pages (Col 7, Lines 7-27). Accordingly, taken in combination, the “STT” structure/architecture of White et al. has been modified or utilized in a manner so as to support the bookmarking teachings of Milewski et al.

As to the particular storage of the character sequence in memory, as aforementioned, the White et al. reference is relied upon for the overall system architecture. Accordingly, it is unclear as to how the “STT” of White et al. when utilized as the means for the user to enter the descriptive information identifying a particular program would do so without inherently storing the entered information locally in memory prior to be sent to the server. Similarly, how would it be performed in connection with using any of the input devices including the television receiver of Milewski et al. (Col 7, Lines 56-67)? Furthermore, when the user is viewing the web-page corresponding to the stored URLs, how is the received HTML corresponding to the entered information which is displayed not stored in at least some form memory associated with processing and rendering the web-page?

With respect to the applied Milewski reference failing to disclose or suggest the limitation of assigning the character sequence while watching the program (Gibbon was not utilized in this regard and is not being addressed further), the reference explicitly teaches that the “user could also input the descriptive data . . . for inclusion on the web page once the URL is determined and stored on the web page” (Col 7, Lines 56-59). Furthermore, the reference discloses the particular usage of bookmarking in connection with a broadcast program such as a network news program (Col 1, Lines 58-61) which has not been actually archived. As previously set forth, the “character sequence” is construed as being provided while the presentation is being presented or watched given that the user has no control over

the playback of the broadcast program (ex. pause, stop, FF, REW) analogous to the disclosed example of when a radio listener is listening to a radio program (Col 7, Lines 7-24).

Accordingly, it is the examiner's opinion that the claimed limitations have been met by the combination of references.

4. With respect to applicant's traversal as to the OFFICIAL NOTICE stating that "the existence of subscription based video repositories with associated rental access periods that expire" has not been shown to be capable of instant and unquestionable demonstration as being well known, the examiner respectfully disagrees. In particular, support for the statement has already been provided by at least the Goode et al. (US Pat No. 6,166,730), Dunn et al. (US Pat No. 5,861,906), and LaJoie et al. (US Pat No. 5,850,218) references record.
5. With respect to applicant's traversal of other facts as being well known not having been shown of instant and unquestionable demonstration, the examiner respectfully notes that documentary evidence to support the examiner's conclusion for almost all of such statements and conclusions have already been supplied in the art of record and that the particular facts are of notorious character and serve only to "fill in the gaps" in an insubstantial manner. The only fact not explicitly evidenced in the prior action pertained to the nature of WebTV® terminals which the applied White et al. reference explicitly teaches is presumed to be known by the artisan from the widespread availability and numerous descriptions in both patent and technical literature (Col 2, Lines 59-62). Applicant provides no specific arguments as to why the facts already of record are not well-known nor provides any specific arguments regarding

the usage of well-known facts set forth in the grounds of rejection. Accordingly, support for the aforementioned facts is found as follows:

- The statement that “the viewer may perform bookmarking operations in conjunction with distributed programs as understood in the art” is supported in at least the Budow et al. (US Pat No. 5,625,864), Goode et al. (US Pat No. 6,166,730), Swenson et al. (US Pat No. 6,064,380), and Milewski et al. (US Pat No. 6,289,346) references of record.
- The statement that “it is known in the art to provide . . . [a] character sequence simultaneously with an image corresponding to . . . [a] visual scene” is supported in at least the Martin et al. (US Pat No. 6,272,484), Wang (US Pat No. 6,501,902), Swenson et al. (US Pat No. 6,064,380), Gibbon et al. (US Pat No. 6,098,082), Scarborough et al. (US Pat No. 6,353,448), and Jain (US Pub No. 2003/0030679 references.
- The statement that the “display of bookmarked images with user defined descriptive information is commonly known in the art, as evidenced by the art of record” is supported in at least the Tsumagari et al. (US Pat No. 6,480,669), Swenson et al. (US Pat No. 6,064,380), and Jain (US Pub No. 2003/0030679) references.
- With respect to the statement that the “display of a plurality of bookmarked images with associated descriptive information is commonly known in the art” such support is provided by at least the Tsumagari et al. (US Pat No. 6,480,669), Swenson et al. (US Pat No. 6,064,380), and Jain (US Pub No. 2003/0030679) references.

- With respect to the assertion that it is “known in the art to provide an ‘image corresponding to the first location’ and the ‘second location’ support can be found in at least the Gibbon et al. (US Pat No. 6,098,082), Tsumagari et al. (US Pat No. 6,480,669) and Wang (US Pat No. 6,501,902) references.
- With respect to the traversal that a “WebTV® terminal is effectively a PC-TV that facilitates both the ability to browse the Internet and watch television programming through an integrated platform” support for the assertion is found at least in the newly cited Gaughan et al. (US Pat No. 6,097,383), White et al. (US Pat No. 5,983,273), and White (US Pub No. 2002/0056098) references.
- With respect to the traversal of the existence of “well known browser control functions such as those associated with bookmarking images for later retrieval” support for the existence of such can be found in the Scarborough et al. (US Pat No. 6,353,448) and Martin et al. (US Pat No. 6,272,484) references.
- \* With respect to the traversal as to the existence of “a video segment labeling system wherein ‘at least one of the plurality of names was selected by a respective user input from a list of names provided by the STT” support for the statement is provided by the Sampsell (US Pat No. 6,614,988) reference.

***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the particular combination of elements as recited in claims 120 and 121 must be shown or the feature(s) canceled from the

claim(s). In particular, the alternative embodiment, wherein a user inserts a bookmark while viewing the television program and confirmation message appears on the bottom of the page must be shown (IA: Page 13, Line 30 – Page 4). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 120 and 121 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 120 recites "information related to a visual scene" (Line 11) and "information confirming that the visual scene has been bookmarked" (Line 16) and subsequently recites "outputting . . a portion of said video presentation as a television signal after the information has been stored in the memory" (Line 19). It is unclear if the recitation of "the information" that is subsequently stored in memory is referencing the "information related to a visual scene" or the "information confirming that the visual scene has been bookmarked" or both.

Similarly, claim 121 recites "information related to a visual scene" (Line 8) and "information confirming that the visual scene has been bookmarked" (Line 13) and subsequently recites "outputting . . a portion of said video presentation as a television signal after the information has been stored in the memory" (Line 19). It is unclear if the recitation of "the information" is referencing the "information related to a visual scene" or the "information confirming that the visual scene has been bookmarked". Accordingly, for the purpose of art evaluation, the examiner shall presume that the recitation of "the information" is limited to "information related to a visual scene" (ex. thumbnail image, text caption of program, etc.).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 77, 78, 80, 82-87, 89-101, 110-113, and 115-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302) in view of Milewski et al. (US Pat No. 6,289,346).

In consideration of claims 80 and 96, the White et al. reference discloses a “television set-top terminal (STT)” [14] coupled via a “bi-directional communication network” [22] to a “server” [12]. As illustrated in conjunction with Figure 3, the “set-top terminal” [14] comprises a “tuner configured to receive a video presentation” [60], “memory” [40], and a “processor” [38] to enable the operation of the terminal so as to facilitate the display of the motion video presentation being “outputted . . . as a television signal” [44] (Col 1, Line 65 – Col 4, Line 64). The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs as is understood in the art.

The Milewski et al. reference discloses a method and apparatus (Col 7, Lines 7-27) wherein during the “outputting . . . at least a portion of the video presentation as a television signal”, the system “receives a first user input associated with a visual scene contained in the video presentation” including a “user input configured to assign a character sequence to said video scene . . . while said video presentation is being presented to said user” and subsequently “stores information related to said scene” and “said character sequence” in the “memory of the STT responsive to receiving the first user input” and “a user input” respectively (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). The “character sequence” is construed as being provided while the presentation is being presented given that the user has no control over the broadcast program. Subsequently, the embodiment “outputs . . . at least another portion of the video presentation as a television signal after information has been stored” whereupon at a later point in time, the embodiment is operable to “receive a second user input configured to request said visual scene in said video presentation after the STT has output the at least another portion of the video presentation” and to “output . . . a television signal of said video presentation starting from a location corresponding to said visual scene responsive to the second user input, where the location corresponding to the visual scene is identified by the STT using the information related to said visual scene” in conjunction with the operation of requesting the particular re-play of the video presentation from the bookmarked point (Col 2, Lines 27-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. web-based user interface controls so as to the bookmarking features of Milewski et al. for the purpose of providing a

means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30).

In connection with the particular composition of the personalized web page comprising the bookmarked segments, the Milewski et al. reference is unclear. The reference, however, expressly incorporates by reference the Gibbon et al. reference (US Pat No. 6,098,082) (Col 5, Lines 47-64). The Gibbon et al. reference discloses that it is known in the art to "provide .

. . [a] character sequence simultaneously with an image corresponding to . . . [a] visual scene". Furthermore, the display of a bookmarked image with user defined descriptive information is commonly known in the art, as evidenced by the art of record. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the personalized bookmarked page of Milewski et al. so as to comprise user supplied descriptive data simultaneously with an image corresponding to the visual scene so as to facilitate searching and retrieval of bookmarked video segments using both visual and textual information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

In consideration of claim 77, the Milewski et al. reference discloses that it is operable to identifying information corresponding to a "point corresponding to a beginning of an entirety of the video presentation". However, the reference teaches that it is not limited to any particular method of designating URLs to portions of the program. Rather, the reference teaches that it need only associate the time of interest in the broadcast program to the archived segment (Col 6, Lines 1-11). Accordingly, the reference implicitly teaches "storing information identifying a location of said visual scene in relation to a point in said video

presentation other than a point corresponding to a beginning of an entirety of the video presentation” using either relative (ex. 10 minutes from the start or end of the program) or absolute time references (ex. segment was broadcast at 1:45 PM).

Alternatively, it would have been an obvious matter of design choice to “include storing information identifying a location of said visual scene in relation to a point in said video presentation other than a point corresponding to a beginning of an entirety of the video presentation”, since the application has not disclosed that the particular usage of identifying a location of a scene in relationship to a point in said video presentation other than a point corresponding to a beginning of an entirety of the video presentation solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well using a reference point corresponding to the beginning, middle, or end of the presentation for the purpose of providing a means to identify where within a presentation a particular bookmarked scene may be located in a manner consistent with the teachings of Milewski et al. For example, presuming that a presentation was 1 hour long and a user bookmarked a location at a point in time 10 minutes into the presentation. One of ordinary skill in the art would recognize that such bookmark might be equivalently located 10 minutes from the start of the program or 50 from the end of the presentation or 20 minutes from the middle of the presentation.

Claim 78 is rejected wherein the “video presentation is a video-on demand presentation” such that the “server transmits the portions of said video presentation starting from said visual scene responsive to the second user input” (Milewski et al.: Col 2, Lines 17-30).

In consideration of claim 82, the White et al. system as shown in Figure 1 illustrates that the system is operable to service multiple clients (Col 4, Lines 7-17). Accordingly, it would have been obvious in light of the combined references such that the embodiment “further comprises receiving a plurality of user inputs configured to assign a plurality of respective character sequences corresponding to a plurality of visual scenes that were bookmarked responsive to a plurality of respective user inputs” for the purpose of advantageously enabling each of the users to select and control their own individual bookmark lists and subsequent playback at their own pace. Furthermore, such sequences would be implicitly “received after the video presentation has been provided to the user” given that the video presentation must have started such that a user can bookmark a scene. Alternatively, the Milewski et al. reference does not appear to be limited to single usage bookmarking.

Claim 83 is rejected wherein the embodiment is operable to “receive a user input configured to request information related to said visual scene in said video presentation” such that the “information related to said visual scene” may be broadly construed as “information” or subsequent video images from the video presentation related to the in terms of sequence of presentation from the bookmarked point. Accordingly, the “requested information” is “provided . . . responsive to receiving the user input configured to request information” in conjunction with the playback from the particular scene.

Claim 84 is rejected wherein the “first user input associated with the visual scene is received while the video presentation is being output by the STT, wherein outputting the video presentation by the STT is not interrupted responsive to the first user input” given that the user has no control over the distribution of the broadcast program, as aforementioned.

In consideration of claim 85, the Milewski et al. reference, as aforementioned, “outputs information confirming that the visual scene has been bookmarked” in the form of a personal web page comprising a plurality of still images. As illustrated in the Gibbon et al. reference, the “information overlays a minority portion of a television screen used to display the video presentation”. Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made in light of the combined references, so as to display the “information . . . [using] a minority portion of a television screen” so as to ensure that the programming for which the user cannot control the distribution of is not missed during the bookmarking and character entry process.

Claim 86 is rejected wherein the “information confirming that the visual scene has been bookmarked” includes an “icon” in the form of a still image.

In consideration of claim 87, the “information related to said visual scene” is stored in a “memory of the server responsive to receiving the first user input” (Milewski et al.: Col 7, Line 32-24).

Claim 89 is rejected wherein “said second user input corresponds to a thumbnail image corresponding to said visual scene” such that the selection of a particular URL “corresponding” to a “thumbnail image” of a representative scene initiates the retrieval of the particular video segment for playback.

Claims 90 and 97 are rejected wherein “said visual scene is associated with a bookmark list associated with a plurality of visual scenes associated with a plurality of respective user inputs” (Milewski et al.: Col 7, Lines 42-51).

In consideration of claims 91 and 98, the White et al. system as shown in Figure 1 illustrates that the system is operable to service multiple clients (Col 4, Lines 7-17). Accordingly, it would have been obvious in light of the combined references such that the embodiment “further comprises associating a plurality of visual scenes with a plurality of respective bookmark lists associated with a plurality of respective users responsive to a plurality of respective user inputs” for the purpose of advantageously enabling each of the users to select and control their own individual bookmark lists and subsequent playback at their own pace.

In consideration of claims 92 and 99, the Milewski et al. system is operable to support a “plurality of respective video presentations” [132/134/136/138]. Accordingly, it would have been obvious in light of the combined references such that the embodiment “further comprises associating a plurality of visual scenes with a plurality of respective bookmark lists associated with a plurality of respective video presentations responsive to a plurality of respective user inputs” for the purpose of advantageously allowing the plurality of users who watch a plurality of presentations to bookmark respective scenes of interest for subsequent playback.

In consideration of claims 93 and 100, the Milewski et al. system is a subscription service (Col 4, Lines 38-44). While the reference discloses the ability to provide the user with access to remotely archived media, the reference does not particularly disclose nor preclude “after expiration of a rental access period corresponding to the video presentation” to “prompt said user to provide input indicating whether said information” corresponding to the bookmarks is to be “deleted from the memory of the STT”. The examiner takes OFFICIAL NOTICE as to

the existence of subscription based video repositories with associated rental access periods that expire. For example, providers such as Broadcast.com™, RealNetworks™, and cable providers offer such services. Given the existence of such, a user may potentially bookmark a segment of a program that they would not be able to subsequently retrieve given the expiration of their rental period. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to “delete from the memory of the STT” bookmarks that correspond to expired material for the purpose of providing a means for managing limited memory resources associated with the storage of the bookmark lists.

The reference, however, does not further explicitly disclose nor preclude “prompting said user to provide input indicating whether said information is to be deleted from the memory of the STT”. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such functionality in conjunction with the combined teachings for the purpose of providing the user with a friendly reminder that the bookmark is to be deleted in conjunction with the expiration of the rental or access period and to subsequently provide the user with the opportunity to save the bookmark in conjunction with a renewal/extension of the subscription. Such a method may advantageously provide additional revenue to the provider. For example, by continuing to associate a particular scene with the bookmark list, the provider could subsequently provide the user with the opportunity continue/finish watching the video from a particular point in conjunction with an added fee associated with the renewal/extension of the subscription. Alternatively, providing the user with the ability to continue to access a segment or plurality

of segments for which they have not paid for would constitute a loss of potential revenue for the provider.

Claims 94 and 101 are rejected wherein the Milewski et al. reference discloses “storing an image corresponding to said visual scene in a memory . . . responsive to receiving the first user input” such that a corresponding thumbnail image associated with the bookmarked URL is stored or cached in memory in conjunction with the generated web page of bookmarked scenes.

Claim 95 is rejected wherein “said second user input requesting said visual scene corresponds to a thumbnail image corresponding to the visual scene, said thumbnail image being simultaneously provided with a plurality of thumbnail images corresponding to a plurality of visual scenes in the video presentation” in light of the aforementioned generated personal web-page of bookmarked segments of Milewski et al. and Gibbon et al.

In consideration of claim 110, the White et al. reference discloses a “television set-top terminal (STT)” [14] coupled via a “bi-directional communication network” [22] to a “server” [12]. The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs.

The Milewski et al. reference discloses a method for “identifying by the STT a plurality of locations in a video presentation responsive to a plurality of respective user inputs” which are “associated by the STT a plurality of respective names . . . responsive to a plurality of respective user inputs received by the STT while the motion video presentation was being output by the STT” such that the “plurality of respective names include a first name and a second name . . . [associated with] a first location and a second location” and comprise a

“character sequence” (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). As aforementioned, the “character sequence” is construed as being provided while the presentation is being presented given that the user has no control over the broadcast program. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. web-based user interface controls so as to utilize the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30).

The combined references, while operable to “output by the STT” a “first” and “second television signal” associated with the particular bookmarked segments, do not particularly disclose nor preclude the display of an “image corresponding” to the “first” and “second locations”. However, the display of a plurality of bookmarked images with associated descriptive information is commonly known in the art. As aforementioned, the Gibbon et al. reference discloses that it is known in the art to provide an “image corresponding to the first location” and the “second location”. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the personalized bookmarked page of Milewski et al. so as to comprise user supplied segment “names” with “an image corresponding to the . . . location” or bookmarked segment for the purpose of facilitating searching and retrieval of bookmarked video segments using both visual and descriptive information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

Claim 111 is view of the aforementioned combination wherein responsive to “receiving a user input corresponding to the second image”, the system “provides a portion of the video presentation starting from a location corresponding to the second image” in conjunction with the operation of requesting the particular re-play of the video presentation from the bookmarked point (Milewski et al.: Col 2, Lines 27-30).

In consideration of claim 110, the White et al. reference discloses a “television set-top terminal (STT)” [14] coupled via a “bi-directional communication network” [22] to a “server” [12]. The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs.

The Milewski et al. reference discloses a method for “identifying by the STT a plurality of locations in a video presentation responsive to a plurality of respective user inputs” which are “associated by the STT a plurality of respective names . . . responsive to a plurality of respective user inputs received by the STT while the motion video presentation was being output by the STT wherein each of the plurality of respective names comprises a character sequence” describing the scene (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). As aforementioned, the “character sequence” is construed as being provided while the presentation is being presented given that the user has no control over the broadcast program. The reference subsequently “provides a list that includes the plurality of names” in the form of a list of bookmarked wherein the system may subsequently “receive user input corresponding to one fo the plurality of names included in the list” and “provide a portion of the motion video presentation starting from a location corresponding to said one of the plurality of names” (Milewski et al.: Col 2, Lines

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27-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. web-based user interface controls so as to utilize the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30).

Claim 113 is rejected wherein “at least one of the plurality of locations was identified by a respective user input while the motion video presentation was being output by the STT” (Milewski et al.: Col 7, Lines 7-26).

In consideration of claim 115, the White et al. reference discloses a method implemented by a “television set-top terminal (STT)” [14] coupled via a “bi-directional communication network” [22] to a “server” [12]. As illustrated in conjunction with Figure 3, the “set-top terminal” [14] “receives via a tuner . . . a motion video presentation” [60] from the “server” which is “outputted . . . as a television signal” [44] (Col 1, Line 65 – Col 4, Line 64). The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs as is understood in the art.

The Milewski et al. reference discloses a method and apparatus (Col 7, Lines 7-27) wherein during the “outputting . . . at least a portion of the video presentation as a television signal”, the system “receives a first user input associated with a visual scene contained in the motion video presentation” including a “user input configured to assign a character sequence to said video scene . . . while said video presentation is being presented to said user” and subsequently “stores information related to said scene” and “said character sequence” in the “memory of the STT responsive to receiving the first user input” and “a user input”

respectively (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). The “character sequence” is construed as being provided while the presentation is being presented given that the user has no control over the broadcast program. Subsequently, the embodiment “outputs . . . at least another portion of the video presentation as a television signal after information has been stored” whereupon at a later point in time, the embodiment is operable to “receive a second user input configured to request said visual scene in said video presentation after the STT has output the at least another portion of the video presentation” and to “output . . . a television signal of said video presentation starting from a location corresponding to said visual scene responsive to the second user input, where the location corresponding to the visual scene is identified by the STT using the information related to said visual scene” in conjunction with the operation of requesting the particular re-play of the video presentation from the bookmarked point (Col 2, Lines 27-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. web-based user interface controls so as to the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30).

With respect to the limitation of “providing said character sequence simultaneously with an image corresponding to said visual scene responsive to user input”, the Milewski et al. reference is unclear as to the particular composition of the personalized web page comprising the bookmarked segments,. The reference, however, expressly incorporates by reference the Gibbon et al. reference (US Pat No. 6,098,082) (Col 5, Lines 47-64). The Gibbon et al.

reference discloses that it is known in the art to “provide . . . [a] character sequence simultaneously with an image corresponding to . . . [a] visual scene”. Furthermore, the display of a bookmarked image with user defined descriptive information is commonly known in the art, as evidenced by the art of record. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the personalized bookmarked page of Milewski et al. so as to comprise user supplied descriptive data simultaneously with an image corresponding to the visual scene so as to facilitate searching and retrieval of bookmarked video segments using both visual and textual information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

As aforementioned, the embodiment is operable to “receive a user input configured to request information related to said visual scene in said video presentation” such that the “information related to said visual scene” may be broadly construed as “information” or subsequent video images from the video presentation related to the in terms of sequence of presentation from the bookmarked point. Accordingly, the “requested information” is “provided . . . responsive to receiving the user input configured to request information” in conjunction with the playback from the particular scene.

As aforementioned, the Milewski et al. reference, “outputs information confirming that the visual scene has been bookmarked” in the form of a personal web page including an “icon” or representative image corresponding to the bookmarked segment. As illustrated, in the Gibbon et al. reference, the “information overlays a minority portion of a television screen used to display the video presentation”. Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made in light of the

combined references, so as to display the “information . . . [using] a minority portion of a television screen” so as to ensure that the programming for which the user cannot control the distribution of is not missed during the bookmarking and character entry process.

As aforementioned, the “video presentation is a video-on demand presentation” such that the “server transmits the portions of said video presentation starting from said visual scene responsive to the second user input” (Milewski et al.: Col 2, Lines 17-30).

As aforementioned, the “first user input associated with the visual scene is received while the video presentation is being output by the STT, wherein outputting the video presentation by the STT is not interrupted responsive to the first user input” given that the user has no control over the original distribution of the broadcast program, as aforementioned.

In consideration of claim 116, the White et al. reference discloses a “television set-top terminal (STT)” [14] or WebTV® terminal comprising a “memory” [40] and device to facilitate a user input [52]. As is well known in the art, a WebTV® terminal is effectively a PC-TV that facilitates both the ability to browse the Internet and watch television programming through an integrated platform. The reference, however, does not particularly disclose nor preclude well-known browser control functions such as those associated with bookmarking images for later retrieval.

The Milewski et al. reference discloses a method wherein a “STT” [100/150] (Col 7, Lines 7-27) “receives a first user input configured to assign a character sequence to a visual scene in a motion video presentation . . . while said video presentation is being presented to said user” whereupon the system “stores data corresponding to said character sequence in a memory of the STT responsive to receiving the first user input related to said scene”.

Subsequently, the system may “receive . . . a third user input . . . corresponding to said visual scene” and “output a portion of said motion video presentation starting substantially from said visual scene responsive to receiving said third user input” (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 2, Lines 27-30; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. WebTV® so as to support the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30).

In connection with the particular composition of the personalized web page comprising the bookmarked segments, the Milewski et al. reference is unclear. The reference, however, expressly incorporates by reference the Gibbon et al. reference (US Pat No. 6,098,082) (Col 5, Lines 47-64) which discloses that it is known in the art to “provide . . . [a] character sequence simultaneously with an image corresponding to . . . [a] visual scene”. The display of a bookmarked image with user defined descriptive information is further commonly known in the art, as evidenced by the art of record. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the personalized bookmarked page of Milewski et al. so as to comprise user supplied descriptive data simultaneously with an image corresponding to the visual scene so as to facilitate searching and retrieval of bookmarked video segments using both visual and textual information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

Claim 117 is rejected wherein the “image corresponding to said visual scene is a still image” (Gibbon et al.: Col 2, Line 31-55).

Claim 118 is rejected wherein as aforementioned the Milewski et al. reference is operable “output by the STT” the aforementioned “plurality of still images corresponding to a plurality of visual scenes” and the “plurality of character sequences corresponding to the plurality of visual scenes” so as to be “simultaneously displayed by the television” in conjunction with the user retrieving user personalized web page (Milewski et al.: Col 7, Lines 30-32).

In consideration of claim 119, as aforementioned, the White et al. reference is operable to facilitate the controlled delivery of archived programming such that a “motion video presentation is suspended by the STT” wherein upon the suspension the resulting screen may be put to various uses (White et al.: Col 5, Lines 16-29). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made provide the user with the ability to return to a previously bookmarked point through the aforementioned thumbnail-descriptive information display of Milewski et al. in connection with the suspension of the previously archived presentation for the purpose of providing a means for a user to easily navigate to a previous point in a presentation without having to rewind through the entire presentation.

In consideration of claims 120 and 121, the White et al. reference discloses a “television set-top terminal (STT)” [14] coupled via a “bi-directional communication network” [22] to a “server” [12]. As illustrated in conjunction with Figure 3, the “set-top terminal” [14] comprises a “tuner configured to receive a video presentation provided by the server” [60],

“memory” [40], and a “processor” [38] to enable the operation of the terminal so as to facilitate the display of the motion video presentation being “outputted . . . as a television signal” [44] (Col 1, Line 65 – Col 4, Line 64). The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs as is understood in the art.

The Milewski et al. reference discloses a method and apparatus (Col 7, Lines 7-27) whereupon during the “outputting . . . at least a portion of the video presentation as a television signal”, the system “receives a first user input associated with a visual scene contained in the video presentation while the video presentation is being output by the STT, wherein outputting the video presentation by the STT is not interrupted responsive to the first user input” given that the user has no control over the distribution of the broadcast program, as previously set forth. The system subsequently “stores information related to said scene” and “said character sequence” in the “memory of the STT responsive to receiving the first user input” (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67) and “outputs . . . at least another portion of the video presentation as a television signal after information has been stored” in association with the continuing of the existing program or retrieval of the program from a bookmarked location. At a later point in time, the system is operable to “receive a second user input configured to request said visual scene in said video presentation after the STT has output the at least another portion of the video presentation” and to “output . . . a television signal of said video presentation starting from a location corresponding to said visual scene responsive to the second user input, where the location corresponding to the visual scene is identified by the

STT using the information related to said visual scene” in conjunction with the operation of requesting the particular re-play of the video presentation from the bookmarked point (Col 2, Lines 27-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. web-based user interface controls so as to the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30).

With respect to the limitation pertaining to “outputting . . . information confirming that the visual scene has been bookmarked . . . “, the Milewski et al. reference, as aforementioned, “outputs information confirming that the visual scene has been bookmarked” in the form of a personal web page, but does not illustrate what such a web page might look like such that “the information” or video still corresponding to a segment or the information entered by the user to serve as a reminder as to why a particular scene was bookmarked. The reference, expressly incorporates by reference the Gibbon et al. reference (US Pat No. 6,098,082) (Col 5, Lines 47-64). The Gibbon et al. reference illustrates that the “information overlays a minority portion of a television screen being used to display the video presentation”. The claim does not require that the particular “information” is necessarily simultaneously displayed with the currently watched program being actively bookmarked. Rather, the claim is interpreted such that the overlaid information is merely using the same television display being used for the display of the video presentation previously watched. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the personalized bookmarked page

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of Milewski et al. so as to comprise “information that overlays a minority portion of a television screen being used to display the video presentation” previously such as the user supplied descriptive data or image corresponding to the visual scene so as to facilitate searching and subsequent retrieval of bookmarked video segments using both visual and textual information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

12. Claim 114 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302), in view of Milewski et al. (US Pat No. 6,289,346), and in further view of Sampsell (US Pat No. 6,614,988).

In consideration of claim 114, the combined references do not particularly disclose nor preclude the usage of a pre-generated list of names for usage in adding descriptive material to the bookmarked scene for later reference. The Sampsell reference discloses that it is known in the art to utilize a video segment labeling system wherein “at least one of the plurality of names was selected by a respective user input from a list of names provided by the STT” (Col 2, Lines 28-36; Col 3, Lines 16-38). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ a pre-generated list of names for usage in adding descriptive material to segments as taught by Sampsell for the purpose of providing a means to provide such information in a manner that advantageously does not require the usage of a full alphanumeric keyboard and facilitates quicker creation of descriptive material by not requiring the user to enter information on a character-by-character basis and further facilitates searching for desirable objects.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Sull et al. (US Pub No. 2002/0069218) reference discloses a system wherein a user is operable to receive a confirmation of bookmarking a video scene without stopping the playback as claimed. This reference, however, does not currently qualify as prior art under 35 U.S.C. 102 as the earliest support for the subject matter of the instant application is disclosed in the 60/271,908 provisional application filed on 27 February 2001.
- The White et al. (US Pat No. 5,983,273) reference provides evidence as to the functionality of a WebTV® terminal.
- The White (US Pub No. 2002/0056098) reference provides further evidence as to the functionality of a WebTV® terminal.
- The Gaughan et al. (US Pat No. 6,097,383) reference provides evidence that a web television is a conventional television that may also be used in a manner similar to a personal computer to access Internet content.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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